



CHICOPEE CITY COUNCIL
ZONING COMMITTEE

ACCEPTED

ZONING COMMITTEE MEMBERS

Jean Croteau, Chairman
Dino A. Brunetti, Vice-Chairman
George Moreau
Donald Demers
John Vieau
Fred Krampits
Frank LaFlamme

MINUTES
April 26, 2010

The following are the minutes of a public hearing held Wednesday, April 26, 2010 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present Croteau, Brunetti, Moreau, Demers, Vieau, LaFlamme

Members Absent Krampits

Also Present Councilor Zasky, Councilor Tillotson, Councilor Zygarowski, Councilor Swider, Councilor McLellan, Dan Garvey (City Solicitor), Kate Brown (Planning Director), Ken Ritchott, Chris Nolan, School Committee Members Present: Adam Lamontagne, Marge Wojcik, Donald Lamothe, Michael Pise, Chester Szetela, Sharon Nawrocki, Richard Rege, Jr. (School Superintendent), Susan Phillips (City Solicitor)

The meeting was called to order at 6:30 PM

ITEM #1

Application for a Special Permit under section 275-50 for the purpose of serving beer and wine in the restaurant located at 17 White Birch Plaza.

Applicant Maria Mantzios
116 Tolpa Circle
Chicopee, MA 01020

Applicant was present. Ms. Mantzios stated that she would like to apply for a beer and wine license to serve at this location. She has been there for three years.

Councilor Moreau questioned whether a beer and wine license was held at this location in the past.

Councilor McLellan stated that this is a great family business. The owners hold many fund raisers and he supports this application 100%.

Reports from Departments

Fire Department

Applicant complies with 527 CMR 11.00 Commercial cooking operations by having the Hood system inspected and cleaned by a person that has a Certificate of Competency issued by the State Fire Marshal.

Engineering Department

Approval

Health Department

No concerns at this time

Restrictions

Must comply with fire department recommendations

Permit to run with the applicant

Committee vote 6 – 0 favorable.

ITEM #2

Application for a Zone Change from Business A to Residential B for 29,550 sq. ft. located at 0 Thomas Street (Assessor's Map 472 Parcel 72) for the purpose of building single family homes.

Applicant ARClair Development, LLC
 Marie Laflamme
 863 Montgomery Street
 Chicopee, MA 01013

Applicant was present. Ms. Laflamme stated the yard is currently zoned business and would like to change that.

Councilor Vieau stated that he has always been in favor of single family homes.

Councilor Demers asked whether the applicant would be willing to build single family homes. He also stated that the applicant would have to have a reason to request a variance on each lot. The applicant replied that at this point she can't say whether it would be single family homes. She has to go through this zone change request process first before she can obtain a variance.

Councilor Moreau asked whether this is single family homes or two family homes. He would appreciate single family homes. The applicant replied that it would be two duplexes and one single family home. If a variance is granted she could have single family homes.

Kate stated that duplexes are allowable under Residential B zone.

Public Input

John Jurek, 62 Thomas Street, stated that in the past there have been sewer backups and constant blockages. He was concerned about adding duplexes which would add to the current problems.

Norman Avey, 54 Thomas Street, stated that he wouldn't oppose a variance change to have single family homes on this parcel.

Kate Brown stated that in order to apply for a variance applicant would have to show a hardship.

Committee vote 5 – 0 favorable. 1 abstained. Councilor Laflamme is related to the applicant.

ITEM #3

Application for a Home Occupation License for the purpose of a Clinical Psychology Practice located at 86 Trilby Avenue.

Applicant Thomas Janas
 86 Trilby Avenue
 Chicopee, MA 01020

Applicant was present. Mr. Janas stated that he is semi retired and would like to move his office into his home. He sees approximately 9 -10 clients a week. He mostly does evaluations does not do psychotherapy.

Councilor Croteau asked whether the applicant has parking available. Mr. Janas replied that he only has one client at a time.

Councilor Demers stated that this is a quiet neighborhood. He has driven by and he is in favor of this application.

Councilor Brunetti asked whether the applicant has a separate entrance and a separate bathroom that can only be accessible through the main living quarters.

Councilor Swider questioned whether this application comes under any state statues. He also questioned whether the Committee has a copy of the applicant's license on file.

Mr. Janas asked what his next step would be. Is he required to build a separate bathroom?

Councilor Tillotson questioned what regulations the Council has to go by. If he has a license it doesn't seem that we have to compare this type of business with beauty salon operating out of a home.

Dan Garvey stated that he will look into this matter but does not believe that this is like the home occupation beauty salons.

The committee informed Mr. Janas that he must provide the Council with a copy of his state license by Tuesday by 10:00 AM.

Reports read:

Health Department

No concerns at this time.

Fire Department

No concerns

Engineering Department

Approved

RESTRICTIONS

Must provide off street parking

Must comply with sign restrictions

Must submit copy of state license

Committee vote 5 favorable 1 unfavorable. Voting in favor: Croteau, Demers, Laflamme, Vieau, Moreau. Voting unfavorable: Brunetti

ITEM #4

Application for a Home Occupation License for the purpose of cat boarding indoors in existing garage space located at 75 Czepiel Street.

Applicant Deborah Guntly
 75 Czepiel Street
 Chicopee, MA 01020

Applicant was present. Ms. Guntly stated that she has a raised ranch style home with an attached garage. The garage has a separate entrance. The maximum boarding spaces she is requesting is 10 but has space for more.

Councilor Laflamme questioned what will happen if the applicant has more than 10 cats what will happen with the animal waste. Ms. Guntly stated that her husband is a veterinarian and he will dispose of it.

Reports

Fire Department

No concerns

Engineering Department

Approval

Health Department

Already met and spoke with owner, went over floor plans and animal health care. OK with proposed plan.

Councilor Demers stated that the wall has to be fire separated. He is also concerned about the odor getting into the residential part of the house. Ms. Guntly said as long as the litter boxes are scooped at least twice or three times a day there is no odor.

Councilor Swider stated that if this is approved and there is a problem it can be called back in. He also questioned whether the cats will be released for exercise. Ms. Guntly replied that she will let out one cat at a time but not outside.

Councilor Moreau questioned whether Mr. Guntly will be doing any veterinary work. No veterinary work will be done on this premise.

Councilor Tillotson stated that this is the first time he has dealt with a cat house. He's not convinced about cats in a residential area. He stated that he wouldn't want to live next door to it. He questioned whether it will be inspected by the humane society. He believes that this type of business belongs in a specialized building.

Councilor Zygarowski questioned whether there is a drain in the garage.

Councilor Brunetti stated Mr. Guntly is a veterinarian. He doesn't see this being a problem.

RESTRICTIONS

Cat boarding space with separate entrance

No odor

Cat waste to be removed from site

Building Inspector to review site for proper separation

Committee vote 6 – 0 favorable.

ITEM #5

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby further amended as follows:

Article V

Chapter 275-68 Part 1 Chicopee Center 40R Smart Growth Overlay District (CC40R)

Chapter 275-68 Part 2 Design Standards

AN ORDINANCE AMENDING CHAPTER 275: ZONING, OF THE REVISED ORDINANCES OF THE CITY OF CHICOPEE, MASSACHUSETTS by adding the following new section:

Contents:

Article V

275-68 Part 1 CHICOPEE CENTER 40R SMART GROWTH OVERLAY DISTRICT (CC40R)

A. Purposes

B. Definitions

C. Establishment and Delineation of Smart Growth Overlay District and Sub-Districts

D. Applicability.

E. Underlying Zoning

F. Administration, Enforcement, and Appeals.

G. Permitted Uses

H. Housing and Housing Affordability

I. Site Plans -- Plan Submission and Review Procedures

J. Site Plans -- Decisions

K. Fair Housing Requirement

L. Severability

M. Density

N. Off-Street Parking

O. Open Spaces and Recreational Area Design and Location

P. Historic Districts

Q. Design Standards – Applicability

275-68 Part 2 DESIGN STANDARDS

A. Introduction.

B. Applicability.

C. Design Guideline

D. Design Standards

E. Height, Mass and Scale; Standards and Guidelines.

F. Streetscape Compatibility; Standards and Guidelines.

G. Human Activity; Design Guidelines.

H. Residential Open Space; Design Standards and Guidelines.

I. Parking and Vehicle Access; Design Standards and Guidelines.

J. Corner Lots; Design Standards and Guidelines.

K. Architectural Elements and Materials for New Buildings; Design Standards and Guidelines.

L. Pedestrian Environment; Design Standards and Guidelines.

M. Blank Walls; Design Standards and Guidelines.

N. Screening of Dumpsters, Utilities and Service Areas; Design Standards.

O. Lighting; Design Standards and Guidelines.

P. Landscaping; Design Standards and Guidelines.

Q. Signage; Design Standards and Guidelines.

R. Open Space; Design Guidelines.

ARTICLE V -

Sec 275-68 Part 1 CHICOPEE CENTER 40R SMART GROWTH OVERLAY DISTRICT (CC40R)

A. Purposes. The purposes of the Chicopee 40R Smart Growth Overlay District are:

1. To provide an opportunity for residential and mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of Chicopee Center.
2. To promote continuing development and redevelopment in Chicopee Center that is pedestrian friendly and consistent with Chicopee history and architecture.
3. To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Chicopee Center, by providing the environment with safety, convenience and amenities.
4. To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including affordable housing, and in housing types that meet the needs of the City's population.
5. To generate positive tax revenue, and to benefit from the financial incentives provided by Massachusetts General Laws Chapter 40R, while providing the opportunity for new business growth and additional local jobs.

B. Definitions. As used in this Article, the following terms shall have the meanings set forth below:

MONITORING AGENT – The local housing authority or other qualified housing entity designated to review and implement the Affordability requirements for Projects approved in accordance with this Article V.

AA– APPROVING AUTHORITY -- The City Council acting as the authority authorized to conduct the Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the CC40R.

AFFORDABLE HOMEOWNERSHIP UNIT - An Affordable Housing unit required to be sold to an Eligible Household per the requirements of Section H of this Article.

AFFORDABLE HOUSING -Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Unit meeting statutory requirements in MGL Ch.184 §31 and the requirements included in Section H of this article

AFFORDABLE RENTAL UNIT - An Affordable Housing unit required to be rented to an Eligible Household per the requirements included in Section H of this Article

AFFORDABLE UNIT-The collective reference to Affordable Homeownership Units and Affordable Rental Units.

ANNUAL UPDATE – A list of all approved and currently proposed Smart Growth Districts within the City of Chicopee, to be filed on or before July 31st of each year with the Massachusetts Department of Housing and Community Development pursuant to MGL Ch.40R and applicable regulations.

APPLICANT – An individual or entity that files a site plan for a Development Project subject to the provisions of the Smart Growth District.

AS-OF-RIGHT DEVELOPMENT – A Development Project allowable under this article without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this article shall be considered an As-of-Right Development.

BUSINESS SERVICES -- Services used in the conducting of business and commerce, including but

not limited to consumer and mercantile credit reporting; news services; research, development and testing; business management and consulting; equipment rental; photo finishing; and automotive rental and distribution services.

CC40R – the Chicopee Center Smart Growth Overlay District

CHARITABLE INSTITUTIONS -- Nonprofit organizations established under MGL Ch. 180.

COMMON OWNERSHIP – Two or more contiguous or non-contiguous lots within the CC40R shall be deemed to be in Common Ownership if majority control of each is held by a common entity.

COMMUNICATIONS -- Exchanges and stations used for the transmittal and relay of electronic communication messages, including but not limited to facilities for telephone, telegraph, radio, television and cable television, excluding wireless communications services.

DEPARTMENT OR DHCD - the Massachusetts Department of Housing and Community Development, or any successor agency.

DESIGN STANDARDS AND GUIDELINES – Section Q of this Article V is applicable to all Development Projects within the CC40R that are subject to Site Plan Review by the Approving Authority.

DEVELOPMENT PROJECT – A Residential, Non-Residential or Mixed-Use Development undertaken pursuant to this article, article including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure(s) or building(s) on a lot or lots within the CC40R.

DWELLING UNIT –One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living sanitary and sleeping facilities. The following types of dwelling units are specifically defined:

(1)SINGLE-FAMILY - A residential dwelling unit, other than a mobile home, designed for occupancy by one family only.

(2)TWO-FAMILY - A residential building containing two dwelling units, designed for occupancy by not more than two families.

(3)THREE-FAMILY - A residential building containing three dwelling units, designed for occupancy by not more than three families.

(4)MULTI-FAMILY - A residential building containing four or more dwelling units

EATING AND DRINKING PLACES -A building used for the serving of food and/or drink for consumption on the premises.

EDUCATIONAL SERVICES -- Privately owned and operated facilities for instruction and education, including but not limited to nursery schools, colleges and professional schools, vocational and business schools and art, dancing and driving schools. It does not include day-care centers.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ENABLING LAWS - MGL Chapter 40R and 760 CMR 59.00.

ENTERTAINMENT ASSEMBLY -- Theaters and other indoor places of assembly used for entertainment and recreational activities.

FAMILY – One or more persons occupying a dwelling unit as a single household provided that domestic employees may be housed on the premises without being counted as a family or families.

FINANCE, INSURANCE and REAL ESTATE -- Services associated with financial and investment needs, including but not limited to banking services, security and commodity brokers, insurance and real estate services.

GOVERNMENTAL SERVICES -- Structures, services, utilities, parks, playgrounds and offices commonly associated with the operation of government.

HOTEL or MOTEL -- Any building or group of buildings which that provides sleeping accommodations for transient motorists and which is not licensed as a lodging house.

HOUSEHOLD INCOME, MEDIAN – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

INDUSTRIAL USES – Uses involving the processing, assembly and fabrication of materials.

INSTITUTIONAL USE - A non-profit or quasi-public use or institution, such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land, used for public purpose.

MAJOR PROJECT -- Any Development Project other than individual single, two and three-family residential.

MINOR PROJECT – A Residential Project limited to an individual single, two or three-family structure.

MIXED-USE DEVELOPMENT PROJECT – A Project containing a mix of residential uses and non-residential uses, as allowed in Part 1, Section G.2, and subject to all applicable provisions of this article / Section 275-68.

MUNICIPAL FACILITIES -- Facilities utilized in the provision of services normally provided by municipalities, such as schools, parks, playgrounds, municipal office buildings, maintenance buildings and city-run utilities.

NON-RESIDENTIAL USE – Office, Retail, Restaurant or Institutional Use, inclusive, or some combination of the same, not located within a Mixed-Use Development Project.

OFFICE – A place for the regular performance of business transactions and services, generally intended for administrative, professional and clerical activities, including a medical or dental office or health clinic.

PROFESSIONAL SERVICES -- Services performed by professional persons for business and personal use, including but not limited to medical and health; planning, engineering and architectural; accounting, auditing and bookkeeping; and educational and scientific.

PROJECT - a Residential Project or Mixed-use Development Project undertaken within the CC40R in accordance with the requirements of this section (275-68 / Article V).

REPAIR SERVICES -- Repair of items used or useful in residential structures

RESIDENTIAL PROJECT - a Project that consists solely of residential uses and any applicable ancillary parking and accessory uses and that is further defined in Part 1, Section G.1.

RETAIL TRADE — The sale of goods to consumers, including but not limited to the sale of building materials, general merchandise, food, automotive supplies, apparel, furniture, home furnishings, pharmaceuticals, liquor, stationery and books, sporting goods, garden supplies and jewelry.

RETAIL – Business establishments selling goods and/or services to customers on-site, generally for personal, business or household consumption. A reasonable amount of storage of said goods shall also be assumed to be an integral part of Retail Use.

SITE PLAN – A plan depicting a proposed Development Project for all or a portion of the Smart Growth District and which is submitted to the AA for its review and approval.

SITE PLAN APPROVAL – The AA’s authorization for a proposed Development Project based on a finding of compliance with this Article and Design Standards after conducting a Site Plan Review.

SITE PLAN REVIEW – The review procedure established by this Article and administered by the City Council of the City of Chicopee as the AA.

SMART GROWTH DISTRICT – An overlay zoning district adopted pursuant to MGL Ch.40R, in accordance with the procedures for zoning adoption and amendment as set forth in MGL Ch.40A and approved by the Department of Housing and Community Development pursuant to MGL Ch.40R and applicable regulations.

SPORTS ASSEMBLY -- Stadiums, arenas, racetracks and other facilities used for the viewing of sporting entertainment events.

SUB-DISTRICT – A specific and defined area of land within the CC40R that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the CC40R.

UNDERLYING ZONING – The zoning requirements adopted pursuant to MGL Ch.40A that are otherwise applicable to the geographic area in which the CC40R is located, as said requirements may be amended from time to time.

UNDULY RESTRICT – A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

UNRESTRICTED UNIT – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, ACCESSORY – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District. Accessory uses are permitted or prohibited in the Smart Growth District to the same extent as if such uses were Principal Uses.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Article V.

USE, SECONDARY – A use located on the same lot as a Principal Use but which is of equal or lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use.

WHOLESALE- The sale of goods in quantity, as to retailers or jobbers, for resale

ZONING ORDINANCE - the Zoning Ordinance of the City of Chicopee, Chapter 275 of *Chicopee City Code*.

C. Establishment and delineation of Smart Growth Overlay District and Sub-Districts.

The Chicopee Center 40R Smart Growth Overlay District, hereinafter referred to as the “CC40R” is an overlay district having a land area of approximately 81 acres in size that is superimposed over underlying zoning districts. Within the CC40R, there are ten (10) Sub-Districts identified as Beston, Cabotville, Canal Loop, Chicopee High School, Downtown Loop, Eastern Etching, Exchange, Gateway, Toll House and West Street Corridor. The boundaries of the 40R District and the Sub-Districts are delineated on a Zoning Map entitled “Chicopee Center 40R Smart Growth Overlay District, dated, prepared by the Chicopee Department of Planning & Development ” This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

D. Applicability. The Chicopee Center Smart Growth Overlay District is established pursuant to the authority of MGL Ch. 40R and applicable regulations, and shall be deemed to overlay the parcels as shown on the Zoning Map of the City of Chicopee, as amended. The Projects proceeding under this Article shall be governed solely by the provisions of this Article and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning, including any rate limitations or moratoriums placed on the issuance of residential building permits.

E. Underlying Zoning: The CC40R is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Development Projects undergoing development pursuant to this Article. Within the boundaries of the CC40R, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinances governing the underlying zoning district(s).

F. Administration, Enforcement, and Appeals. The provisions of this Article V shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the AA under Sections I and J shall be governed by the applicable provisions of MGL Chapter 40R. Any other request for enforcement or appeal arising under this Article V shall be governed by the applicable provisions of MGL Chapter 40A.

G. Permitted Uses. The following uses shall be permitted in the CC40R as-of-right upon Site Plan Approval pursuant to the provisions of this Article.

1. Residential Projects. A Residential Project within the CC40R may include:

- a. Single- family, 2 and 3 family, and/or multi- family dwellings
- b. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c. Accessory uses customarily incidental to any of the above permitted uses. These uses are allowed subject to sub-district restrictions.

2. Mixed-use Development Projects. A Mixed- use Development Project within the CC40R may include:

- a. Single- family, 2 and 3 family, and/or multi-family dwellings (s), provided that the allowable as-of- right density requirements for residential use specified in this Article V shall apply to the residential portion of any Mixed-Use Development Project. These uses are allowed subject to sub-district restrictions.

b. Any of the following uses provided the total gross floor area devoted to these uses within a Mixed-Use Development Project shall not exceed 50% of the total gross floor area of the Project.

c. Non-residential uses allowed subject to subdistrict restrictions:

- (1) Accessory uses.
- (2) Automobile parking.
- (3) Business and professional services.
- (4) Communications.
- (5) Educational services.
- (6) Eating and Drinking Places with or without the consumption of alcohol and with or without live entertainment.
- (7) Entertainment assembly.
- (8) Finance, insurance and real estate.
- (9) Hotels and motels.
- (10) Personal services.
- (11) Repair services other than for automobiles and trucks.
- (12) Retail trade with or without outdoor storage.
- (13) Charitable institutions.
- (14) Wholesale
- (15) Industrial uses-only if approved by the Approving Authority

d. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages).

3. Permitted uses by subdistrict:

Table A	Permitted Uses by Subdistrict						
	Dwelling Units, Single-family detached.	Dwelling Units, Two-family	Dwelling Units, Three - Family	Dwelling Units, Multifamily	Mixed Use Development Projects	Non-Residential Uses in structures built prior to 1940 not located within a Mixed-Use Development	Non-Residential Uses not located within a Mixed-Use Development Project.
Beston	x	x	X				
Cabotville				x	x	x	
Canal Loop	X	x	x	x	x	x	
Chicopee High School				x	X		
Downtown Loop		x	x	x	x	x	x
Eastern Etching				x	x	x	
Exchange	x	x	x	x	x		
Gateway	x	x	x	x	x	x	x
Toll House	x	x	x				
West Street Corridor	x	x	X				

4. Prohibited Uses.

a. Any other use dangerous to persons within or outside the CC40R by reason of

emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, and threat of fire or explosion. Such uses include, but are not limited to, manufacture of acids, gases, fertilizers, and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, and explosives.

b. Drive thru windows

c. Any use not listed as a Permitted Use can not be approved under the terms of this Article V.

H. Housing and Housing Affordability

1. Minimum number of Affordable Units: A Residential or Mixed-Use Development Project may not be segmented to evade the following Affordability thresholds:

a. Twenty percent (20%) for all Residential and Mixed-Use Development Projects except;

b. Twenty- five percent (25%) of all rental and/or ownership units in a Residential or Mixed-Use Development Project in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities.

2. Fractional Units - When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

3. Affordable Units shall comply with the following requirements:

a. The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.

b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in this unit plus one.

c. Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4. Design and construction.

a. Design. Affordable Units must be dispersed throughout a Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units.

b. Phasing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of Dwelling Units in each phase of the Project.

5. Unit mix and Unrestricted Units.

a. The number of bedrooms per Dwelling Unit in the Affordable Units shall be at least proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

b. If only one Affordable Unit is required and the other units in the Project have various numbers of bedrooms, the number of bedrooms in the Affordable Unit shall be at least equal to the average number of bedrooms for all other units in the Development Project.

6. Affordable Housing Restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the County Registry of Deeds or Land Court Registry District of the County. The Affordable Housing Restriction shall contain, at minimum, the following:

a. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

b. The term, which shall be no less than thirty years, and other rights regarding the Affordable Housing Restriction shall be as set forth in MGL CH. 184, Sections 26-32 inclusive, as amended from time to time.

c. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.

d. Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.

e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.

f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

g. A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.

h. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.

i. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the City of Chicopee, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.

j. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to Monitoring Agent, in a form specified by that agent certifying

compliance with the affordability requirements of Section H and containing such other information as may be reasonably requested in order to ensure affordability.

k. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the City of Chicopee, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.

- l. A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.
 - m. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
7. Administration. A Monitoring Agent for Affordable Units, which may be the Chicopee Housing Authority or other qualified housing entity shall be designated by the Approving Authority and shall ensure the following:
- a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
 - b. Income eligibility of households applying for Affordable Units is properly and reliably determined.
 - c. The housing marketing and resident selection plan conforms to all requirements and is properly administered.
 - d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
 - e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Hampden County Registry of Deeds or Land Court Registry District of Hampden County. The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Approving Authority or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Approving Authority.

I. Site Plan Review -- Plan Submission and Review Procedures:

1. Plan Review: The AA shall be aided in its review process by a Site Plan Review Advisory Committee (SPRAC) composed of representatives from municipal departments, boards and or committees including: Building, CEL (Chicopee Electric Light), Conservation, Fire, Health, Planning and Development, Police, Public Works (Highway, Engineering, Waste Water, Water, Community Development, School Department, Assessor's Commission for the Disabled, member(s) of the City Council, and any other City department, board, commission or agency as designated by the AA. This review process shall be coordinated on behalf of the AA by the Department of Planning & Development.
2. Pre-Application: At the request of the Applicant, the Chicopee Department of Planning & Development will coordinate a pre-application review with the Site Plan Review Advisory Committee. The purpose of a pre-application review is to introduce the developer to the municipal staff members who will be reviewing the project and exchange information about the site and surrounds that may be applicable to the success of the project. This meeting is intended to save time for the developer and the City. No formal filings are required for the pre-application review; however, the Applicant is encouraged to prepare a concept plan that shows:
 - a. Overall building envelope areas
 - b. Open space and natural resource areas;
 - c. General site improvements, groupings of buildings and proposed land uses.
3. Fees
The application fee is \$250.

4. Application. An application for Site Plan Approval shall be submitted to the City Clerk on the form provided by the Approving Authority along with the application fee. A copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the Approving Authority. The application shall be accompanied by such plans, project narrative, and other documents as required by the AA as well as any materials required verifying compliance with any of the above provisions of this Article
- V. The application process is divided into Minor and Major Projects. Single, two and three family residential Projects are reviewed as Minor Projects. All other Projects shall be reviewed as Major Projects.
- a. Minor Projects: Submission requirements for Projects of one-, two- and three-family dwellings on individual lots shall include the application, application fee, 28 copies of all supporting documents as set forth in this Article, building elevations, and a plot plan certified by a person registered under the General Laws of the Commonwealth of Massachusetts to practice land surveying. The following information must be shown on the plot plan:
- (1) All property corners, with type of monumentation (identified as set or found);
 - (2) Existing and proposed grading, proposed grading at house corners and garage doors;
 - (3) Proposed location of the building(s) and driveway;
 - (4) Utilities;
 - (5) Elevation of top of foundation wall F.F., benchmark and datum;
 - (6) Direction of stormwater runoff; the proposed grading shall not direct runoff toward abutting properties;
 - (7) Location and dimensions of existing and proposed easements;
 - (8) North arrow, street name(s), zoning district, setbacks, side yards, lot area, and Chicopee Assessor Map and parcel ID number.
 - (9) Scale: 1:20.
 - (10) Lot dimensions. (Note: Lots in common ownership shall be merged)
- b. Major Projects
- (1) All plans shall be prepared by certified architects or engineers registered in the Commonwealth of Massachusetts.
 - (2) Number of copies: The application shall be considered as the application form, plans, narrative and any other required supporting document. The application form is available from the Department of Planning and Development. One original and 28 copies of the application form, all plans and documents shall be submitted. to the City Clerk
 - (3) Plans required:
 - (i) Plot plan as set forth in I4a above and all supporting plans and documents identified in this Article.
 - (ii) Special features plan, showing vegetation, wetlands, perennial streams and ponds, waterways, waterfalls, canals and dams, trees of more than six- inch caliper, rock outcroppings, slopes in excess of 25%, existing and proposed trails and paths, open vistas, structures of historical importance, wildlife habitats, and proposed conservation and recreation areas.
 - (iii) Preliminary landscaping and architectural design, showing type, location and layout of buildings, typical elevations, as well as the general height, mass and appearance of structures.

(iv) Exterior lighting plan, showing existing and proposed exterior lighting, including building and ground lighting, locations, supports, mounting heights, and orientation.

(v) Floor plan to scale for each floor of each building, indicating, if applicable, number of units; number of bedrooms; and proposed use of floor space.

c. Narrative report shall be submitted, including the following components:

(1) Project summary.

(2) Proposed development schedule.

(3) Historical narrative that includes the significance of the site, architecture and any important associated events or persons.

(4) Details of erosion and sedimentation controls during and after construction.

(5) Subsurface soil and water conditions that impact the Development Project and methods to be used to overcome them.

(6) Traffic impact study.

(7) Impact to public sewer system.

(8) Impacts to City water supply and distribution system.

(9) Impacts to municipal and governmental services, including schools.

(10) Projected net tax and other revenues over anticipated municipal costs should be submitted to estimate the total fiscal impact of the proposed project upon City resources.

(11) Information pertaining to any organization which the Applicant proposes to form, where the development is to be a condominium or other ownership organization.

(12) Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the City.

(13) Other information that the City Council may reasonably require to assist in determining whether the Applicant's proposed development plan meets the objectives of this section.

d. Submission Requirements. As part of any application for Plan Approval for a Project within the CC40R the Applicant must submit the following documents to the AA and the Monitoring Agent.

(1) Evidence that the Project complies with the cost and eligibility requirements of Section H.

(2) Project plans that demonstrate compliance with the requirements of Section H

(3) An Affordable Housing Restriction that satisfies the requirements of Section H.

(4) Construction details for units that are accessible to the disabled

e. Circulation to Other Boards: Upon receipt of the application, the AA shall transmit to the Department of Planning & Development. The Department of Planning and Development shall be responsible for the immediate distribution of plans and supporting materials to all municipal Boards, Departments, Commissions, Officials (and the Monitoring Agent if the project is subject to Affordability requirements) as determined by the AA. These entities shall provide any written comments within 60 days of receipt of the plan and application.

f. Public hearing. The Approving Authority shall hold a public hearing for which notice has been given as provided in MGL Chapter 40A § 11.

g. The Approving Authority may adopt administrative rules and regulations relative to Site Plan Review. Such rules and regulations must be approved by the

Department of Housing and Community Development and filed with the City Clerk.

J. Site Plans --Decisions.

1. Criteria for approval: The Approving Authority shall approve the Development Project in accordance with the following:
 - a. The Applicant has submitted the required fees and information as set forth in applicable Regulations; and
 - b. The proposed Development Project as described in the application meets all of the requirements and standards set forth in this article and applicable Design Standards, or a waiver has been granted there from; and
 - c. Any extraordinary adverse potential impacts of the Development Project on nearby properties have been adequately mitigated.
 - d. For a Development Project subject to affordability requirements, compliance with Section H, Condition 3 above shall include written confirmation by the Monitoring Agent that all affordability requirements have been satisfied.
 - e. Conditions imposed are limited to only those necessary to ensure compliance with this Article V.
2. Criteria for denial: A Site Plan Approval application may be disapproved only where the AA finds that:
 - a. The Applicant has not submitted the required fees and information as set forth in this Article V; or
 - b. The Development Project as described in the application does not meet all the requirements and standards set forth in this Article V and the AA regulations, or that a requested waiver there from has not been granted; or
 - c. It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
3. Time limit: The decision of the AA shall be made and a written notice of the decision filed with the City Clerk within 120 days of receipt of the Application by the City Clerk. This time may be extended by mutual agreement between the AA and the Applicant by written agreement filed with the City Clerk. Failure of the AA to take action within said 120 days or the extended time shall be deemed an approval of the Site Plan Approval application.
4. Decisions: The Approving Authority shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the Approving Authority. If 20 days have elapsed after the decision has been filed with the City Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, the City Clerk shall so certify on a copy of the decision. A copy of said decision shall be filed with the local Registry of Deeds.
5. Validity. Site Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall be extended if the project proponent demonstrated that it is actively pursuing other required permits or there is other good cause for failure to commence.
6. Waivers. Upon request of the Applicant, the Approval Authority may waive dimensional and other requirements of this Article, including Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of

consistency of such variation with the overall purpose and objectives of the CC40R or if it finds that such waiver will allow the Development Project to achieve the density, affordability, mix of uses and/or physical character intended by this Article V.

7. Project Phasing: The Approval Authority may allow a Development Project to be phased at the request of the Applicant, or to mitigate any extraordinary adverse impacts on nearby properties. For a Project that is approved and developed in phases, the proportion of Affordable Units shall be consistent across all phases and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined in 760 CMR 59.00) shall be consistent across all phases.

K. Fair Housing Requirement. All Development Projects within the CC40R shall comply with applicable federal, state and local fair housing laws.

L. Severability. If any provision of this Article is found to be invalid by a final, unappealable judgment of a court of competent jurisdiction, the remainder of Section 275-68 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 275-68 shall not affect the validity of the remainder of the City's Zoning Ordinances.

M. Density and Dimensional Requirements

1. Residential Density Allowances. The following residential densities shall be allowed on all lots and within all buildings within the designated Sub-Districts within the CC40R pursuant to the requirements of this article and applicable Design Standards:

Residential Density by Sub-District – Units per acre					
	Dwelling Units, Single-family detached.	Dwelling Units, Two-family	Dwelling Units, Three -Family	Dwelling Units, Multifamily (1)	Mixed Use Development Projects
Beston, Toll House, West Street Corridor	8	12	16		
Cabotville, Chicopee High School, Eastern Etching				60	60
Gateway, Canal Loop, Exchange	8	12	16	20	20
Downtown Loop		12	16	40	40

2. Dimensional Requirements

Dimensional Requirements by Use for New Construction or Division of Existing Parcels							
Use	Ground Floor Elevation	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Height	Frontage	Area
Dwelling Units: 1-family 2-family 3-family	3ft. above grade	Align to abutting principle structures. If no abutting structures 3' minimum / 15' maximum. Porches may encroach.	4 ft.	12 ft.	40 ft.	30'	No minimum. Lot area is a function of the building footprint and use requirements for open space, setbacks, travel aisle, and parking
Dwelling Units: Multifamily, 4 or more units	3ft. above grade	Align to abutting principle structures. If no abutting structures 10' maximum. Porches may encroach.	4 ft.	12 ft.	40 ft.	30'	
Mixed Use	n/a	Align to abutting principle structures. If no abutting structures 8' minimum. Porches may encroach.	8 ft.	20 ft	60 ft.	30'	
Non-Residential Uses	n/a	Align to nearest nonresidential structures on same block, same	0 ft. when abutting other non	20 ft	60 ft.	40'	

		side of street. If no nonresidential structures, 2 ft. minimum 5 ft. maximum.	residential uses. 15' when exclusively residential uses.				
--	--	-------------------------------------------------------------------------------------------	-------------------------------------------------------------------------	--	--	--	--

3. Contiguous lots. In the CC40R, where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and dwelling units per acre.

N. Off-Street Parking.

1. Off-street parking shall be provided as follows :

Use	Required/Allowable Parking
Retail and Restaurant	3 spaces per 1,000 square feet
Office and Institutional	4 spaces per 1,000 square feet
Dwelling Unit (1 bedroom)	1.0 space
Dwelling Unit (2 bedrooms)	1.5 spaces
Dwelling Unit (3 bedrooms)	2.0 spaces
Dwelling Unit (4 bedrooms)	2.5 spaces

2. Location of parking. Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a building, relative to any public right-of-way, public open space, or pedestrian way. In no case shall surface parking for new construction be permitted within the required setbacks pursuant to the Design Standards.

3. The AA may grant Site Plan Approval allowing project-specific, less burdensome standards or similarly prescribe more economic safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the CC40R.

4. Cooperative establishment and operation of parking areas. Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, and provided also that such lot or lots shall be within 600 feet of the principal buildings served.

5. Parking waivers. The AA may allow a reduction of the required number of spaces by up to 30% if it can be demonstrated that two or more uses can share parking spaces. In determining the appropriate reduction, the AA may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy of parking spaces within the surrounding area, as well as other relevant information. Applicant must show proof of space and indicate if the space is owned or leased. Required spaces shall be within 600 feet of any use on or off the site

6. The Approval Authority may require additional parking beyond the allowable number of spaces per unit if deemed appropriate given the design, layout and density of the proposed Development Project.

7. Parking shall be designed and constructed to comply with all applicable disability access

O. Open Spaces and Recreational Area Design and Location. The site plan design for Development Projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Site Plan Approval within the CC40R shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Approval Authority shall include a description of proposed ownership and maintenance of all common open space or facilities.

P. Historic Districts. Development Projects that are located in locally designated historic districts (all or in part) will also be subject to the regulations of said historic district.

Q. Design Standards and Guidelines. To ensure that development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community features traditionally found in Chicopee, the City Council has adopted the following Design Standards and Guidelines (*see 275-68 Part 2 Design Standards and Guidelines*).

275-68 Part 2 DESIGN STANDARDS AND GUIDELINES

A. INTRODUCTION.

The Chicopee Center 40R (CC40R) is an overlay zoning district adopted pursuant to MGL Chapter 40R Smart Growth Zoning and accompanying Regulations at 760 CMR 59.00. These Design Standards and Guidelines are intended for the following purposes:

1. to encourage the development of affordable and market rate housing in the CC40R District;
2. to preserve and augment Chicopee's architectural qualities, historic character and pedestrian scale;
3. to promote historical continuity — the relationship of built structures over time by design that respects the scale, massing and materials of adjacent buildings and landscape;
4. to ensure that future development in Chicopee will preserve and enhance existing businesses and residences, serve to catalyze additional investments, and promote a high quality of architecture;
5. to foster a sense of belonging to an identifiable community of residents;
6. to encourage high-quality building design;
7. to create distinctive looking buildings that complement the architecture of the area;
8. to allow signage in commercial areas that is in scale and is architecturally compatible with the storefront buildings;
9. to provide landscaping and pedestrian-oriented open space, including sidewalks and courtyards;
10. to promote street-level commercial uses in commercial areas that are attractive to residents and visitors;
11. to encourage settlement by more residents in Chicopee Center;
12. to design upper story setbacks for institutional, commercial and mixed-use buildings
13. to reduce building mass and keep in scale with the neighborhood;
14. to improve height, massing and scale compatibility between commercial and residential areas;
15. to encourage attractive parking lots and to discourage driveways and curb cuts on commercial streets, particularly in the Downtown Sub-district;
16. to encourage Center Street development that will connect the Gateway Sub-district to Downtown;

17. to encourage development that is green, sustainable and healthy.

B. APPLICABILITY. The general Design Standards and Guidelines are applicable in all sub-districts.

C. Design Standards. The “Design Standards” are intended to set forth mandatory requirements, subject to the provisions set forth in the CC40R.

D. Design Guidelines. The “Design Guidelines” are intended to set forth nonbinding recommendations that will promote the objectives of the design standards.

E. HEIGHT, MASS AND SCALE; STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction.

1. Design Standards.

a. New structures shall not exceed 150 feet in length.

2. Design Guidelines.

a. New buildings should be sited and designed to provide a sensitive transition to nearby, less-intensive zones. Projects on the CC40R or sub-district edges shall be developed in a manner that creates a transition in perceived height, mass and scale between the anticipated development potential of the adjacent zones.

b. Building mass should be broken up by incorporating different façade treatments at intervals to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.

c. New buildings should be designed to maximize the amount of sunshine on adjacent sidewalks throughout the year.

d. Color/material schemes that are integral to architectural features and details should be used to help reduce apparent size and mass of buildings and provide visual interest

(see *M. Architectural Elements and Materials for New Buildings* for specific material design standards and guidelines).

e. Additional setbacks, modulation and screening should be used to reduce mass where there are abrupt changes which increase the relative height above grade along the street or between sub-districts.

F. STREETSCAPE COMPATIBILITY; STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

a. Street trees shall be provided with tree grates (urban areas) or in planter strips (suburban areas), using deciduous species to provide summer shade and winter light. Street trees shall be a minimum of 2” caliper and set 50 ft. apart and no closer than 20’ to an intersection (see *Chicopee Guide to Urban Trees and Planting Details*).

b. Whenever possible, vehicle entrances to buildings and loading areas shall be located at the rear.

c. House, townhouse, loft and apartment structures shall provide pedestrian entrances at the sidewalk. Accessory dwellings to commercial development may provide

entrances at the side or rear of the parcel (see also *N. Pedestrian Environment*).

2. Design Guidelines.

a. Renovations to existing street storefronts should be designed with horizontal or

vertical elements in alignment with the setbacks and façade elements of adjacent building fronts. Such elements may include columns, windows, planters, benches, overhead weather protection, cornices or other building features.

b. Renovations to existing sidewalks should be emphasized by using mostly paving materials (urban areas) and/or mostly landscape materials (sub-urban areas) that differentiate the setback area from the sidewalk.

c. For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character in scale, detail and mass but not necessarily in the same style.

G. HUMAN ACTIVITY; DESIGN GUIDELINES. A purpose of the CC40R is to promote vibrant, pedestrian friendly activities in the downtown. The following guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Guidelines

a. Sidewalk retail opportunities and connections are highly encouraged. Whenever feasible, storefronts should open to the street and display goods to the pedestrian.

b. In commercial areas, outdoor eating and drinking opportunities should be provided on the sidewalk by allowing for the opening of restaurant or café windows to the sidewalk and/or installing outdoor seating while maintaining pedestrian flow (subject to approval by the Chicopee Department of Public Works).

c. Large, clear glass windows and glazed doors are preferred along the sidewalk to provide visual access into the retail or dining activities that occur inside. Views into the interior spaces should not be blocked with the backs of shelving units or with posters. Window displays of goods at retail storefronts are an option. At these buildings, glazing should be a minimum of 70% of the ground-level facade area.

d. Sidewalk/plaza art installations and kiosks are encouraged in urban areas as long as pedestrian flow is maintained.

e. Structures should provide energy-efficient building lighting at night that highlights window displays, façade features, signage and outdoor eating areas. The following lighting applications are recommended:

(1) Recessed compact fluorescent or low-voltage lamps at window displays

(2) HID flood lights mounted level with the top of commercial awnings for signage and architectural façade features.

(3) HID or compact fluorescent wall sconces for outdoor eating areas.

(4) Fluorescent light strip or compact fluorescent wand for blade signs.

H. RESIDENTIAL OPEN SPACE; DESIGN STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

a. Floor levels greater than four stories shall be set back to provide solar access to the sidewalk and/or neighboring properties.

b. Trees and shrubs that are native to the region, requiring minimal irrigation or fertilizer, shall be used.

2. Design Guidelines.

- a. Residential Development Projects should incorporate open spaces, with special focus on landscape treatments and courtyard entries.
- b. New buildings should create courtyard-style open space that is visually accessible to the public view.
- c. Porous paving materials that minimize storm water run-off should be used wherever practical.
- d. Storm water catch-basins should be installed that supplement irrigation needs and reduce storm water run-off.
- e. Rooftop gardens are encouraged.

I. PARKING AND VEHICLE ACCESS; DESIGN STANDARDS AND GUIDELINES.

Adequate and convenient parking is important in the CC40R. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. Drive-through facilities shall not have driveways entering or exiting over the main frontage sidewalk.
- b. Surface parking areas shall be located behind buildings and not along street frontages.
- c. Parking lots in Development Projects shall have landscape buffers with trees and shrubs (see Chicopee Site Plan Landscape Guidelines, dated _____, for specific requirements).

2. Design Guidelines.

- a. Building design should preserve and enhance the main frontage pedestrian environment in residential and commercial areas by providing for continuous sidewalks. Side streets should be minimally broken within a block to provide vehicular access to parking.
- b. Structured parking entrances should be located on side streets or alleys.
- c. Multi-purpose parking areas paved with textured concrete (paver style) or unit pavers are preferred (i.e., areas that serve both parking and public open space needs).

J. CORNER LOTS; DESIGN STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. Buildings on corner lots shall be oriented to the corner and public street fronts.
- b. Parking and automobile access shall be located a minimum of 40' away from the corner point located at the intersection of the front and side lot lines.

2. Design Guidelines.

- a. Entries to residences at corner lots should incorporate landscaping materials such as pavers at walkways and permanent/seasonal plantings surrounding walkways.
- b. Retail storefronts located at intersections should provide a prominent corner entry. A storefront door(s) with clerestory and sidelights are preferred.

K. ARCHITECTURAL ELEMENTS AND MATERIALS FOR NEW BUILDINGS; DESIGN STANDARDS AND GUIDELINES

1. Design Standards.

- a. New buildings shall use materials such as brick, cast stone, architectural stone,

terra cotta, and concrete that incorporate varied texture and color. Brick masonry is the preferred main building material due to its durability, although other materials that are compatible with brick may be used. The exterior of single-family and two-family houses may be constructed of wood, cement- fiber board or vinyl.

b. Vinyl awnings that are internally illuminated shall not be used.

c. Multiple awnings limited in dimension to the widths of openings in walls shall be used. Continuous awnings across multiple openings are prohibited.

d. Rooftop building systems (i.e., mechanical and electrical equipment, antennas) shall be screened from all key observation points by integrating them into the building design with parapets, screens or other methods.

e. Building entry treatments that protect people from the elements shall be incorporated into design.

2. Design Guidelines.

a. Base. Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials. Encouraged are transparent, open facades for commercial uses at sidewalk eye- level (as an example, windows that cover 70-80% of the ground floor façade area with their sills located approximately 24 to 30 inches above the sidewalk).

b. Middle. Mid- level building façade elements should be articulated to provide visual interest in a bay-by-bay scale. Architectural features may include: belt courses or horizontal bands to distinguish individual floors; change in materials and color and/ or texture that enhance specific form elements or vertical elements of the building; a pattern of windows; and/or bay windows to give scale to the structure. Detail elements such as a cast stone, tile or brick pattern that complement architectural features on existing buildings should be incorporated. Spacing and width of bays should provide intervals in the façade that create scale elements similar to surrounding buildings.

c. Top. Tops of buildings in the District General and District Edge should be distinguished from the façade walls by including detail elements consistent with the traditional neighborhood buildings such as steep gables with overhangs, parapets and cornices. District General and District Center buildings may, in addition, have towers, belfries, cupolas and spires,

d. Architectural Concept and Consistency. Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building.

(1) Signage that is consistent with the existing or intended character of the building and the neighborhood is preferred.

(2) Solid canopies or shed-type fabric awnings over the sidewalk are preferred.

(3) Materials and design should be compatible with the structures in the vicinity in order to reflect the surrounding neighborhood character.

(4) Distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest should be illuminated at night. Pedestrian scale pole lights should be used along streets and sidewalks.

e. Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve appropriate human scale.

(1) Transom or clerestory windows should be used above entrances, display windows; projected bay windows are encouraged.

(2) Multiple paned windows that divide large areas of glass into smaller parts are preferred.

(3) Pedestrian-orientation should be enhanced by using components such as: nonreflective storefront windows and transoms; pedestrian-scaled awnings; architectural details at the first floor and the roof line.

f. Exterior finish materials: building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

Organic materials are preferred versus synthetic materials.

(1) Consider each building as a high-quality, long term addition to the area; exterior design and materials should exhibit permanence and quality appropriate to the neighborhood.

(2) Operable windows are preferred in all residential units and houses.

(3) Finish materials that are susceptible to staining, fading or other discoloration are discouraged, except for metals that develop a long-term patina such as copper.

(4) The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially at ground level locations. Aluminum and vinyl siding, is strongly discouraged. If these are used, the trims should be a minimum of 3-1/2" for head and jamb. Sills should be 2".

L. PEDESTRIAN ENVIRONMENT; DESIGN STANDARDS AND GUIDELINES. The CC40R is intended to provide opportunities for creating lively, pedestrian-oriented open space. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

a. Access to the building's entry shall be provided as follows:

(1) Entrances along the main building frontage shall be visible from the sidewalk.

(2) At commercial areas, signage located at the building front entrance shall identify the tenant and/or use (see section *R. Signage*)

(3) At commercial areas, entrances along the main building frontage shall be glazed a minimum of 50%

(4) At commercial areas, entrance vestibules or air locks shall not protrude, but shall be located at the building interior.

b. Sidewalks, paths and entry areas shall be lighted and entry areas shall be protected from the weather.

c. At single family and two or three family sites, the front yard shall have landscaping that incorporates concrete or paver walks, ground cover plantings, shrubs and perennials.

d. Building entrances located at the main building frontage shall emphasize pedestrian access as opposed to accommodating vehicles.

e. The number of residential entrances on commercial streets where non-residential uses are required shall be minimized. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact on retail frontage of the commercial streetscape by adhering to the minimum dimensions required by the building code.

f. Entries for residential uses shall be from the street (rather than from the rear of the property) to add to the activity on the street and allow for visual surveillance for personal safety. Accessory dwellings located at the rear of the property may be accessed from the side street or alley.

2. Design Guidelines.

- a. Open spaces should be created at street level that is connected both visually and physically to the open space of the sidewalk.
- b. Well-lighted, overhead weather protection is strongly encouraged to improve pedestrian comfort and to promote a sense of security.
- c. Overhead weather protection should be designed with consideration of the overall architectural concept of the building, including:
 - (1) uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops or occasional gathering spaces);
 - (2) minimizing gaps in coverage, except to accommodate street trees;
 - (3) a drainage system that keeps rain water off the street- level façade and sidewalk;
 - (4) the relationship to architectural features and elements on adjacent development, especially if abutting a building of historic or noteworthy character;
 - (5) the scale of the space defined by the height and depth of the weather protection;
 - (6) the illumination of undersides to increase security after dark (excludes internally lit fabric awnings).

M. BLANK WALLS; DESIGN STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. Buildings shall avoid large blank walls facing the street, especially near sidewalks.
- b. Where blank walls are unavoidable; they shall receive design treatment by use of decorative patterns, art installations or other treatment.

2. Design Guidelines.

- a. Long, undifferentiated surfaces, facades or frontages are strongly discouraged.
- b. Ground floor windows should be located and designed to maximize transparency of commercial façade and attract pedestrian interest; 70% of the ground level front façade area should be glazed.
- c. Large windows that open to facilitate indoor-outdoor interaction with the street are encouraged.
- d. Windows on walls perpendicular to the street are encouraged.

N. SCREENING OF DUMPSTERS, UTILITIES AND SERVICE AREAS; DESIGN STANDARDS. The following standards are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. New developments shall locate service elements like trash dumpsters, loading docks, mechanical equipment and utility meters away from the street front.
- b. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they shall be screened from view and shall not be located in the pedestrian right-of-way.

- c. Dumpsters shall be consolidated and

O. LIGHTING; DESIGN STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. Proposed lighting shall not create overspill onto adjacent properties.
- b. Installation of pedestrian light fixtures as part of a development's sidewalk improvements shall be provided.

2. Design Guidelines.

- a. Lighting in display windows is encouraged.
- b. Architectural lighting to complement the architecture of the structure is encouraged.
- c. Architectural lighting to complement landscape features is encouraged.
- d. Temporary, seasonal and/or holiday light fixtures are encouraged.
- e. Light levels at commercial locations should meet or exceed the minimum requirements defined by the Illuminating Engineering Society of North America (IESNA). Light levels should be designed to the following:
 - (1) Lighting where commercial facilities are closed:
 - Minimum of 0.2 FC
 - Maximum to minimum ratio of 20:1 FC
 - (2) Lighting where commercial facilities are open:
 - Minimum of 0.6 FC
 - Maximum to minimum ratio of 15:1 FC

P. LANDSCAPING; DESIGN STANDARDS AND GUIDELINES. The following standards and guidelines are intended to apply to new construction and the rehabilitation of existing buildings.

1. Design Standards.

- a. Trees shall be installed as part of a development's site and surrounding sidewalk system.
- b. Low branching ornamental trees shall not be used along store fronts or in areas of heavy pedestrian use.

2. Design Guidelines.

- a. A clear distinction should be made between pedestrian traffic areas and commercial traffic areas through the use of different paving materials, colors or landscaping.
- b. Mature trees should be saved where feasible. Tree removal is subject to *Chicopee City Code* Chapter 257 requirements.
- c. Large, shade tree species are encouraged where they do not interfere with utilities and buildings.
- d. Landscape buffers should incorporate trees, shrubs, and perennials that are drought tolerant and require minimal irrigation and fertilizer. Native species are preferred.

Q. SIGNAGE; DESIGN STANDARDS AND GUIDELINES

1. Design Standards.

- a. Signage shall be provided to identify non-residential uses. Colors should complement the colors of the building. Neon colored surfaces are not allowed. Signs shall not cover over architectural features and trim elements. Company logos are encouraged.

b. Allowable storefront signage shall consist of (a) a primary storefront sign with letters no taller than 3 ft. and located on a primary storefront band that is a minimum of 12 ft' above the sidewalk and a maximum of 20 ft. (b) awning signage that is integral to the awning fabric (c) blade sign that is perpendicular to the storefront and whose bottom edge is at least 8' above the sidewalk (d) permanent storefront glazing signage that does not cover more than 10% of the glazed area (e) permanent glazed entry door signage that does not cover more than 10% of the glazed area of the door unit.

c. Blade signs may be illuminated with up to two integral light fixtures.

d. Temporary signs (including seasonal displays), non-commercial flags and city approved banner art installations will be permitted as follows:

(1) Size. Temporary signs may not exceed three feet by three feet in a residential zone and may not exceed four feet by eight feet in a non residential zone.

(2) Height. No temporary sign may be more than eight feet from the ground when erected or posted.

(3) Number of signs. Not more than two of the same type of temporary sign which advertises for the same person, place or thing may be placed on any one piece of private property at any one time. Information may not be continued from one sign to another, thus creating the illusion of a larger sign by placing signs together.

(4) Public property. No temporary sign may be erected or posted on or over public property, including but not exclusive of signs on public property, including but not exclusive of those attached to utility poles or boxes, other legal signs, trees or shrubs, or placed in the roadway median or island.

(5) Public ways. No temporary sign may be placed in or over a public way without permission from the Superintendent of Public Works.

(6) Duration of placement. Temporary signs may be placed 60 days prior to an event or promotion and must be removed within seven days following an event or promotion.

(7) Public safety. Temporary signs are prohibited from interfering with a corner view clearance (§ 275-33) or obstructing visibility of an adjacent driveway.

(8) Lighting. No temporary sign is to have any type of artificial lights, including flashing lights, on any part of the sign or near the sign.

(9) Responsibility. All temporary signs erected on private property shall be the sole responsibility of the owner or lessee of said property.

e. Violations.

(1) Sign manufacturers logos and contact information on signs are not allowed.

(2) Electronic or mechanical signs that have moving parts or blinking lights are not allowed.

(3) Signs that are constructed of non-durable materials such as paper, cardboard, decals or Styrofoam are not allowed.

2. Design Guidelines.

a. Wayfinding signage, such as signs that give direction to parking should be located not more than 7 ft. above the sidewalk is encouraged to serve both pedestrians and drivers.

b. Illumination of signage for evening hours is encouraged.

- c. Formed plastic, injection plastic and internally illuminated signs are discouraged.

R. OPEN SPACE; DESIGN GUIDELINES .

1. Design Guidelines.

- a. Park: the landscape should consist of paths, trails, water bodies, boat launches and open shelters all naturalistically disposed.
- b. Playground: open space equipped for children's recreation. The playground should be fenced, except at parks or greens where there is a minimum of 60' to the nearest road. There is no size preference.
- c. Public Green: an open space available for recreation purposes. The green is defined spatially by trees and shrubs. The layout of landscape features, including trees, paths, benches and shrubs should be naturalistically disposed and be a minimum of ½ acre in size.
- d. Square: an open space available for recreation and municipal purposes. A square is normally defined by building frontages. Landscape features should consist of lawns, trees, shrubbery, fountains and paved paths, all formally disposed and should be at least s ½ acre in size.
- e. Plaza: an open space designed for municipal and commercial activities. A plaza is defined spatially by building frontages. Its landscape should consist primarily of pavement. Optional items include trees, benches and fountains. The minimum size should be 1/3 acre.

Kate Brown stated the following:

In 2004 the state adopted Chapter 40R. Designed to encourage higher density housing in areas that may be appropriate to encourage affordable housing because there was a perception that the state is losing residents because of the lack of affordable housing and to protect Greenfield development. To do this the state provided some incentives. First incentive was money for consultants. Second if a city is to adopt a 40R district the state would provide an upfront payment based on the number of units that you could add to the area that you are proposing as a zoning district a certain amount of money. If you could increase the living area by 501 units the city could get up to \$600,000.00. If a building permit is issued for that building than an additional \$3,000.00. The city started looking into this thinking that it may enhance our ability to market downtown for different kinds of uses and we acquired consultants, developed an ordinance, design regulations, and a map that identifies the parcels that were considered appropriate for this type of activity. We had several public meetings but not a lot of attendance to them up until the point that we had directly notified abutters had not gotten a lot of public participation. But this has been in the process for about 3 years now. I would prefer to really answer questions about this zoning district because I don't know at this point what people know and what they are uncomfortable with and what it means for the city and what potential impacts it may have on downtown and the properties that are identified within the area.

Councilor Croteau asked that Kate address two areas: one Chicopee High School and the difference between affordable housing and subsidized housing.

Kate stated that Chicopee High was included in the district as a subdistrict because at the time that this was being worked on the fate of Chicopee High was undetermined. So it seemed like a good idea to toss it in there and if the school was to be surplusd then it would be the opportunity for a variety of different uses that might attract a

developer to it. In the mean time the school department was working on it and from my understanding it is now to be used for a middle school and we are proposing that Chicopee High would be taken off the map because it's no longer necessary to consider residential reuse of the property because it would be continued as a school use. In regard to affordable housing. Affordable means tat an individual who could qualify for and affordable mortgage or rent would make 80% of the median income of the area as defined by HUD and that figure changes every year but right now the maximum income for one individual affordable unit would be \$43,450.00 and then for every individual in the household that amount goes up \$5,000 or \$6,000.

Councilor McLellan stated that it's a minimum of 20% affordable housing but it could max out at 100% correct? Kate responded yes. Who does Local Housing Authority refer to? Kate Brown stated that Community Development would be the Local Housing Authority because they currently oversee apartments and they would not have to hire additional staff. Kate stated that this is the City's ordinance and anything that the Council does not feel comfortable with can be deleted or added. Councilor McLellan asked what are accessory uses in a Mixed Use Project? Kate replied maybe if you have a retail store and a kiosk outside

PUBLIC INPUT

Daniel Appleton, 20 Auburn Street, would love to see downtown revitalized. He thinks the expansion of Ames Privilege is a good idea however he has concerns about low income housing. If we attract low income housing what will that do to the downtown area.

Kate responded that certainly the game plan is to attract market rate but under this particular zoning ordinance by state law 20% of those units would have to be affordable ideally market rate would bring people with money to spend looking for a coffee shop and bistro. The city can't guarantee the project that would be attracted. She doesn't see a huge market out there.

Adam Lamontagne, 44 Montclair Street, School Committee member. Has concerns about the overlay ordinance. School Committee wants to look into this matter further. How many more children will be coming into the school system as a result of this overlay district? He stated that at the Ward 4 Neighborhood meeting the Mayor indicated 50 but at the School Committee meeting the Mayor indicated 25. At one meeting he heard that there will be 3,000 units then at the Ward 4 meeting that there will be 227 units. He stated that the 227 units is only for the Cabotville section of the overlay which is a small section. How is this overlay going to impact the school system? He can not support something that he has unanswered questions to. He requested an impact study and still has not received it. He stated that if this does not need to be approved until 2013 what is the urgency to move this through quickly.

Jim Raschilla, 124 Ingham Street, major concerns that he wanted to share. According to the Census Bureau we have enough low income housing. There are over 1,000 houses for people to rent in the City. He stated that once you are in a condo you can house who ever and how every many you want. He stated that there is no guarantee that you won't have low income residents coming in and not affordable. He stated that no study has been done to determine if Chicopee needs more housing. Once a developer purchases a property no one can stop him or her. So what is going to happen to the control? He stated that 40S is supposed to reimburse for children in the school system but according to Senator Knapik's office this 40S has not been funded yet. He stated that he doesn't understand what the rush is.

Michael Pise, 33 Bonneville Avenue, School Committee member, main concern was Chicopee High School. He stated that it needs to be removed from the ordinance and the map not just the map. He stated that his major concern is the impact on the schools. Bowe, Stefanik, and

Belcher schools are all maxed out. By contract the classroom can not go over 25 students. If there are additional students that classroom has to be split up and an additional teacher has to be hired. What impact would this have on busing? No reason to rush this through until it is properly studied.

Sandra Peret, 54 Bonneville Avenue. She stated that there has been opposition to the overlay proposal at the Planning Board hearing and the Ward 4 Neighborhood meeting. She stated that the Mayor stated that regardless if the Smart Growth ordinance was passed the Cabotville project would occur. She suggested that the Cabotville project proceed but let the overlay ordinance be tabled until all the voters questions have been answered. The City has until 2013 so let's not rush into anything.

Art Nunes, 61 Abbey Memorial Drive #153.

John Peret, 54 Bonneville Avenue. He stated that there has been confusion as to the number of units that can be built under the overlay. He asked Kate if you take just Cabotville how many units can be built. Kate responded 627 units. He asked how many children could potentially need schooling from the 627 units. Kate responded that Mr. Gutman is proposed loft style condos so she doesn't see that they would be attractive to someone with children. He stated that Kate mentioned earlier that there isn't much of an appetite for affordable housing. If that is the case then why proceed with this overlay. Kate stated that she sees this as an opportunity.

Adam Lamontagne, stated that if an additional 300 students were to enter into the school system as a result of this overlay that would require the City to build a new school and hire staff.

Donald Lamothe, 164 Meadow Street, School Committee member. As a school committee member he is opposed to passing this. He would rather have local control of what is coming into the city with a site plan by site plan basis. Cabotville is already moving forward. He does not feel that we will get 300 kids out of that project. Navy housing could potentially have an impact on the Fairview schools. You have to look at how it will impact the schools. He does not see a benefit to this overlay program. Yes, \$600,000.00 is a lot of money in the short run but in the long run we should keep the local control.

Councilor Laflamme asked Kate to explain what is not built on in Ward 2 and Ward 4. He then asked under 40R can this be shrunk to a certain area only to try it. Kate responded that it could be one lot only. Councilor Laflamme stated that the disadvantage would be the \$600,000.00. Kate also stated that you can add to an existing district. If you want to create another one you have to go through this process again because you need a separate ordinance for it. This particular ordinance is specific to the downtown center. The maximum portion of the city that could be taken up by 40R is 5%. Councilor Laflamme asked if 40R was to pass does the city have an option to opt out of it down the road and pay back the state. Kate responded that the money would have to be refunded to the state. If 40R was to pass it would have to remain for 30 years. Councilor Laflamme asked about public hearings. Will there still be public hearings? Kate responded yes, public hearing and public notification. It bothers Councilor Laflamme that the ordinance states that abutters appeals would be very costly.

Councilor Brunetti questioned if parking lots are turned into housing what does that leave for downtown? Kate stated that developers can't take away any parking that is currently required by zoning.

Councilor Vieau asked whether anyone has determined what the vacancy rate is right now. Kate responded that she doesn't know what that number is right now could get a reasonable number but it would be based on the 2000 census but given the economy it probably would be higher.

Councilor Moreau questioned which other cities and towns have adopted 40R and 40S. Kate responded that there are 27 communities that have adopted. Councilor Moreau then asked what the success rate is. Kate responded that it is mixed. There is an analysis but it is inconclusive because this is a relatively new program. There have been some units built but not nearly as many as have been approved. Other Councilors stated that page 15 of the report answers that question.

Councilor Zygarowski questioned where the 3,000 units came from. Kate explained that after working with the consultants and Community Development to identify what properties might be appropriate to put within the district and then assign those subdistricts that we created wanted to leave some property alone, assign a maximum density to those subdistricts. Then all the square footages of all the parcels were taken and added them up and then you calculate the total number of units that you could actually put in that area. It added up really fast and Kate was really surprised. Councilor Zygarowski stated that realistically there isn't going to be 3,000 affordable units. Kate responded that she doesn't see how you could put 3,000 units based on the fact that still have to accommodate height limitations of the building, side yards, rear yards, and provide parking. Councilor Zygarowski asked if 40R does not pass what can Mr. Gutman do under his Special Permit how can it effect his city and our schools? Kate responded that under the Special Permit the Council has given him permission for 227 condominiums residential units in the building with parking and infrastructure so he can build those units.

Councilor Tillotson asked Kate does the 3,000 units include the Lyman building. Kate responded yes. Councilor Tillotson further stated that that's what worries him. Plus the density is much greater under 40R. The units are much closer. So if you look at all the open space that exists within this about 83 acres and you look at everything that is available and you go by the standards, the density requirements are which are pretty liberal on 1 acre you could put 12 two family houses and 16 three family houses so you can see where this huge figure came from which is probably artificially because there is no guarantee that the Lyman buildings are going to be used for housing. They could remain industrial. The only thing we do know is that Lyman is moving to the base. Councilor Swider interjected that the Lyman Company's plan is to make the move within 5 years. Councilor Tillotson continued that Westfield has 40R and a developer came in and said that he will build condominiums and he built condominiums and it seems to have worked out OK over there. Holyoke got under it and the developer backed away so Holyoke has a couple of end fills where they put a couple of buildings but no major development in Holyoke. Northampton also has a small project. Most of these are developer driven. A developer comes in and says what he wants to do and in most cases the they have developed what they committed to. As far as children go, he doesn't know how you are going to predict that. And you can't hold the developer to it even though he may say something publicly to it.

Councilor Swider stated that the 227 units will be developed with or without this project. The 42 additional that are going to be at Ames Privilege will not be part of this because it is an existing use and cannot be brought into this. As far as the parking lots are concerned in the downtown most of those are used in cooperation with the businesses that are there. If there was an advantage for people right now to run out and build additional housing downtown they would be doing that. But there hasn't been any development downtown. The only thing that has been on radar for development downtown is the 227 units that Mr. Gutman started probably about 5 years ago. It's taken him that long to get to this point and as long as the Ames Privilege property has been in place they've just now realized that they can make the 40 additional units available to them to rent and those have been empty as long as that has been open. There is no urgency for people to take over empty lots. I haven't seen it in the 34 years that I have been down there that people are running around putting up duplex homes or three family homes. There is no incentive even if we put this plan into effect. There is no incentive except to the city itself to get the initial \$600,000.00 and once we get one building permit we will start receiving \$3,000.00 for each unit that is going to be put up. The only advantage is to the city because right now if we vote this down the city gets absolutely nothing and people can do what they want under the ordinances and under the zoning and I hope that downtown flourishes. For some

reason people believe that tomorrow we are going to wake up and it's a new downtown Chicopee and I don't think that's going to happen. But there is an opportunity here for us if we make the quote of 501 that we need to reach. So if he builds the 227 units and he comes on board with us we will get \$3,000.00 per unit that he builds. The Ames Privilege program cannot because it is already existing. But if someone builds an affordable two family on one of the lots downtown then that would be another \$3,000.00 per unit. That's the advantage to the city. Mr. Gutman is coming in and he is doing the 227 and if we don't sign up for it we get absolutely nothing and he can do what some of you are worried about. Councilor Tillotson responded that that is one side of the coin. This is a large district and that's what scares most people is the size of the district. 83 acres is huge.

Councilor Brunetti stated that the following scares him: Most projects built to date have been multi family rentals. Most 94% built are rental units.

Councilor Croteau stated that all of us have been concerned about this and try to gather information. I see Mr. Nolan is here. I don't want to put you on the spot and you don't have to deal with this but I inquired as to if Mr. Gutman was interested in this and I was told that he met with the Mayor's office about a week and a half ago and he was interested because there were going provide him with \$7,500 per unit something about affordable units. Are you aware of any of this? Mr. Nolan stated that he is not aware of any of it. Councilor Croteau continued that he had met with the Mayor's office and he was interested in going in with this because there was an incentive in there for those 40 something units.

Public Input

James Raschilla, spoke about 40S. You are depending on money that is not there because 40S is not funded. We are rushing forward blindly.

Daniel Appleton, questioned whether Mr. Gutman is required to put condo's in Cabotville.

Motion made by Councilor Laflamme to close public input.

Motion made by Councilor Moreau to table and second by Councilor Laflamme. Five in favor of tabling. 1 opposed. (Croteau opposed).

ITEM #6

Application for a Zone Change from existing to CC40R Overlay for 120 +/- acres/square feet of property located at Chicopee Center – See attached Description for the purpose of creating a 40R zoning overlay district in Chicopee Center. No underlying zoning will be changed.

Applicant Board of Appeals
 274 Front Street
 Chicopee, MA 01013

Motion made by Councilor Moreau to table and second by Councilor Laflamme. Five in favor of tabling. 1 opposed. (Croteau opposed).

ITEM #7

Minutes – March 30, 2010. Motion made to accept. Motion passed.

Meeting adjourned at 9:17 PM.